

BroadStream Corporation

Local Exchange

BROADSTREAM CORPORATION

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES
APPLYING TO LOCAL EXCHANGE COMMUNICATIONS SERVICES WITHIN
THE COMMONWEALTH OF KENTUCKY

Filed with the
PUBLIC SERVICE COMMISSION OF KENTUCKY

This Tariff applies to telecommunications services furnished by BroadStream Corporation between one or more points in the Commonwealth of Kentucky. This Tariff is on file with the Kentucky Public Service Commission and copies may be inspected during normal business hours at BroadStream Corporation's principal place of business.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

ISSUED: January 13, 2000

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Issued By: Michael D. Heil, President and CEO
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Sioux Falls, South Dakota 57103

CHECK PAGE

Pages of this Tariff as listed below are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original Tariff and are currently in effect as of the date on the bottom of this page:

Page Number	Revision	Page Number	Revision
1	Original		
2	Original		
3	Original		
4	Original		
5	Original		
6	Original		
7	Original		
8	Original		
9	Original		
10	Original		
11	Original		
12	Original		
13	Original		
14	Original		
15	Original		
16	Original		
17	Original		
18	Original		
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25	Original		
26	Original		
27	Original		
28	Original		

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TARIFF FORMAT

This Tariff is divided into the following major sections:

	Preface
Section 1	Application of Tariff
Section 2	Explanation of Terms
Section 3	Rules and Regulations
Section 4	Description of Services
Section 5	Rates

- A. **Page Numbering** - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the Tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. **Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the Commission. For example, the 4th revised page 14 cancels the 3rd revised page 14. Because of the various suspension periods, deferrals, etc., followed by the Commission in its Tariff approval process, the most current page number on file with the Commission is not always the Tariff page in effect.
- C. **Paragraph Number in Sequence** - There are five levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.5
 - 2.5 A.
 - 2.5 A. 1.
 - 2.5 A. 1 a.
 - 2.5 A. 1 a. i
- D. **Check Page** - When a Tariff filing is made with the Commission, an updated Check Page accompanies the Tariff filing. The Check Page lists the pages contained in the Tariff, with a cross reference to the current revision number. When new pages are added, the Check Page is changed to reflect the revision.

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TABLE OF CONTENTS

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
	Cover Page	1
	Check Page	2
	Tariff Format	3
	Table of Contents	4
	Explanation of Notes	5
SECTION 1 -	APPLICATION OF TARIFF	6
SECTION 2 -	EXPLANATION OF TERMS	7
SECTION 3 -	GENERAL RULES AND REGULATIONS	10
3.1	Undertaking of the Company	10
3.2	Use of Facilities and Service	11
3.3	Minimum Period of Service	12
3.4	Payment for Services Rendered	12
3.5	Deposits	14
3.6	Taxes	14
3.7	Minimum Level of Service	14
3.8	Inspection, Testing and Adjustment	14
3.9	Suspension or Termination of Service	15
3.10	Obligations of the Customer	17
3.11	Response to Trouble Reports	19
3.12	Liability of Company	19
SECTION 4 -	DESCRIPTION OF SERVICE	21
4.1	Exchange Access Service	21
4.2	Directory Services	22
4.3	Operator Services	23
4.4	Private Line	24
4.5	Special Arrangements	25
SECTION 5 -	RATES	26
5.1	Applicability	26
5.2	Charges Based on Duration of Use	26
5.3	Time Periods Defined	26
5.4	Applicable Taxes and Surcharges	26
5.5	Usage Rates	27
5.6	Exchange Access Service	27
5.7	Directory Service	27
5.8	Operator Service	28
5.9	Private Line	28

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EXPLANATION OF NOTES

- (C) Indicates Changed Regulation
- (D) Indicates Discontinued Rate or Regulation
- (I) Indicated Rate Increase
- (M) Indicates Move in Location of Text
- (N) Indicates New Rate or Regulation
- (R) Indicates Rate Reduction
- (T) Indicates Change of Text Only

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SECTION 1 - APPLICATION OF TARIFF

- 1.1 This Tariff contains the regulations and rates applicable to local exchange services provided by BroadStream Corporation to business customers for telecommunications between points within the Commonwealth of Kentucky. BroadStream Corporation's services are furnished subject to the availability of facilities and subject to the terms and conditions of this Tariff.
- 1.2 The rates and regulations contained in this Tariff apply only to the services furnished by the Company and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of the Company.
- 1.3 The Customer is entitled to limit the use of the Company's services by end users at the Customer's facilities, and may use other common carriers in addition to or in lieu of the Company.

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SECTION 2 - EXPLANATION OF TERMS

ACCESS CODE - Denotes a uniform code assigned by the Company to an individual Customer. The code has the form 10XXX, 10XXXXX, 950-0XXX, or 950-1XXX.

ACCESS MINUTES - Denotes that usage of exchange facilities in intrastate service for the purpose of calculating chargeable usage.

ANSWER SUPERVISION - The transmission of the switch trunk equipment supervisory signal (off-hook or on-hook) to the Customer's point of termination as an indication that the called party has answered or disconnected.

CALL - A Customer attempt for which the complete address code is provided to the service end office.

CARRIER OR COMMON CARRIER - Any individual, partnership, association, corporation or other entity engaged in intrastate communication for hire by wire or radio between two or more exchanges.

CENTRAL OFFICE - A local Company switching system where exchange service Customer station loops are terminated for purposes of interconnection to each other and to trunks.

CHANNEL - A communications path between two or more points of termination.

COMMISSION - Public Service Commission of Kentucky

COMMUNICATIONS SYSTEM - Denotes channels and other facilities which are capable of communications between terminal equipment provided by other than the Company.

COMPANY - BroadStream Corporation.

CUSTOMER - Any individual, partnership, association, corporation or other entity which subscribes to the services offered under this Tariff, including both Interexchange Carriers and End Users.

CUSTOMER DESIGNATED PREMISES - The premises specified by the Customer for termination of Access Services.

DUAL TONE MULTIFREQUENCY (DTMF) - Tone signaling, also known as touch tone signaling.

END OFFICE SWITCH - A Company switching system where exchange service Customer station loops are terminated for purposes of interconnection to each other and to trunks.

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SECTION 2 - EXPLANATION OF TERMS (Cont'd)

END USER - Any Customer of an intrastate telecommunications service that is not a Carrier or Common Carrier, except that a Carrier shall be deemed to be an End User when such Carrier uses a telecommunications service for administrative purposes. A person or entity that offers telecommunications service exclusively as a reseller shall be deemed to be an End User if all resale transmissions offered by such reseller originate on the premises of such reseller when making such service available to others, directly or indirectly.

ENTRY SWITCH - First point of switching.

EXCHANGE - A group of lines in a unit generally smaller than a LATA established by the Company for the administration of communications service in a specified area. An Exchange may consist of one or more central offices together with the associated facilities used in furnishing communications service within that area.

FACILITIES - Denotes any cable, poles, conduit, carrier equipment, wire center distribution frames, central office switching equipment, etc., utilized to provide the service offered under this Tariff.

FIRST POINT OF SWITCHING - The first Company location at which switching occurs on the terminating path of a call proceeding from the Customer premises to the terminating end office and, at the same time, the last Company location at which switching occurs on the originating path of a call proceeding from the originating end office to the Customer premises.

INTERSTATE COMMUNICATIONS - Any communications that crosses over a Commonwealth boundary. Interstate Communications includes interstate and international communications.

INTERRUPTION - The inability to complete calls due to equipment malfunctions or human errors. Interruption shall not include, and no allowance shall be given for service difficulties such as slow dial tone, circuits, busy or other network and/or switching capacity shortages. Nor shall Interruption include the failure of any service or facilities provided by a common carrier or other entity other than the Company. Any Interruption allowance provided within this Tariff by the Company shall not apply where service is interrupted by the negligence or willful act of the Customer, or where the Company, pursuant to the terms of this Tariff, terminates service because of non-payment of bills, unlawful or improper use of the Company's facilities or service, or any other reason covered by this Tariff or by applicable law.

INTRASTATE COMMUNICATIONS - Any communication which originates and terminates within the same Commonwealth and is subject to oversight by a Commonwealth regulatory commission as provided by the laws of the Commonwealth involved.

LOCAL ACCESS AND TRANSPORT AREA (LATA) - A geographic area established for the provision and administration of communications service. A LATA encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.

LOCAL CALLING AREA - A geographical area, as defined in the Company's local or general exchange service Tariff in which an End User may complete a call without incurring toll usage charges.

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SECTION 2 - EXPLANATION OF TERMS (Cont'd)

MESSAGE - A Message is a Call as defined above.

OFF-HOOK - The active condition of Switched Access Service or a telephone exchange line.

ON-HOOK - The idle condition of Switched Access Service or a telephone exchange line.

ORIGINATING DIRECTION - The use of Switched Access Service for the origination of calls from an End User premises to a carrier's premises.

POINT OF TERMINATION - The point of demarcation within a Customer-designated premises at which the Company's responsibility for the provision of access service ends. The point of demarcation is the point of interconnection between Company communications facilities and Customer-provided facilities as defined in Part 68 of the Federal Communications Commission's Rules and Regulations.

PREMISES - A building or buildings on contiguous property, not separated by a public highway or right-of-way.

SERVICE INTERRUPTION - An interruption in service, which is not due to the negligence of, or noncompliance with the provisions of this Tariff by, the Customer or the operation or malfunction of the facilities, power or equipment provided by the Customer.

SERVING WIRE CENTER - The wire center from which the Customer-designated premises normally obtains dial tone from the Company.

SPECIAL ACCESS CIRCUIT - The physical pathway for transmission of information between a dedicated originating point and a dedicated terminating point.

TRANSMISSION PATH - An electrical path capable of transmitting signals within the range of the service offering. A transmission path is comprised of physical or derived facilities consisting of any form or configuration of plant used in the telecommunications industry.

TRUNK - A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

TRUNK GROUP - A set of trunks which are traffic engineered as a unit for the establishment of connections between switching systems in which all of the communications paths are interchangeable.

USER or END USER - A Customer, Joint User, or and other person authorized by a Customer to use service provided under this Tariff.

WIRE CENTER - A physical location in which one or more central offices, used for the provision of exchange services, are located.

ZERO MILE CIRCUIT - A circuit between 0 miles and 3/4 of a mile in length.

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SECTION 3 - RULES AND REGULATIONS

3.1 UNDERTAKING OF THE COMPANY

- A. The Company undertakes to furnish communications service pursuant to the terms of this Tariff in connection with one-way and/or two-way information transmission between points within the Commonwealth of Kentucky.
- B. The Company shall be responsible under this Tariff only for the services and facilities provided hereunder, and it assumes no responsibility for any services provided by any other entity that purchases access to the Company network in order to originate or terminate its own services, or to communication with its own Customers.
- C. Service is offered for local calling to Customers pursuant to the terms of this Tariff.
- D. Service is available 24 hours per day, seven days per week and is subject to the availability of necessary service, equipment and facilities and the economic feasibility of providing such necessary service, equipment and facilities.
- E. Services are offered via the Company's facilities (whether owned, leased or under contract) in combination with resold services provided by other certified carriers.
- F. Any other Telephone Company may not interfere with the right of any person or entity to obtain service directly from the Company. No person or entity shall be required to make any payment, incur any penalty, monetary or otherwise, or purchase any services in order to have the right to obtain service directly from the Company.
- G. To the extent that either the Company or any other Telephone Company exercises control over available cable pairs, conduit, duct space or other facilities needed by the other to reach a person or entity, the party exercising such control shall make them available to the other on terms equivalent to those under which the Company makes similar facilities under its control available to its customers. At the reasonable request of either party, the Company and the other Telephone Company shall join the attempt to obtain from the owner of the property access for the other party to serve a person or entity.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.2 USE OF FACILITIES AND SERVICE

A. Use of Service

1. Service may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
2. Recording of telephone conversations of service provided by the Company under this Tariff is prohibited except as authorized by applicable federal, Commonwealth and local laws.
3. The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
4. The Company's services may be canceled for nonpayment of uncontested bill charges or for other violations of this Tariff.

B. Limitations

1. Service is offered subject to the availability of the necessary facilities and/or equipment and subject to the provisions of this Tariff. The Company may decline applications for service to or from a location where the necessary facilities or equipment are not available. The Company may discontinue furnishing service in accordance with the terms of this Tariff.
2. The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control (examples of these conditions are more fully set forth elsewhere in this Tariff), or when service is used in violation of provisions of this Tariff or the law.
3. The Company does not undertake to transmit messages, but offers the use of its service when available, and, as more fully set forth elsewhere in this Tariff, shall not be liable for errors in transmission or for failure to establish connections.
4. The Company reserves the right to discontinue service, limit service, or to impose requirements as required to meet changing regulatory or statutory rules and standards, or when such rules and standards have an adverse material effect on the business or economic feasibility of providing service, as determined by the Company in its reasonable judgment.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.2 USE OF FACILITIES AND SERVICE (Cont'd)

B. Limitations (Cont'd)

5. The Company reserves the right to refuse an application for service made by a present or former Customer who is indebted to the Company for service previously rendered pursuant to this Tariff until the indebtedness is satisfied.

C. Customer-Authorized Use

The Customer remains solely responsible for all use of service ordered by it or billed to its telephone number(s) pursuant to this Tariff, for determining who is authorized to use its service, and for promptly notifying the Company of any unauthorized use. The Customer may advise its Customers that a portion of its service is provided by the Company, but the Customer shall not represent that the Company jointly participates with the Customer in the provision of the service.

D. Use and Ownership of Equipment

The Company's equipment, apparatus, channels and lines shall be carefully used. Equipment furnished by the Company shall remain its property and shall be returned to the Company whenever requested, within a reasonable period following the request, in good condition (subject to reasonable wear and tear). The Customer is required to reimburse the Company for any loss of, or damage to, the facilities or equipment on the Customer's premises, including loss or damage caused by agents, employees or independent contractors of the Customer through any negligence.

3.3 MINIMUM PERIOD OF SERVICE

The minimum period for which services are provided and for which rates and charges are applicable is one month unless otherwise specified. When a service is discontinued prior to the expiration of the minimum period, charges are applicable, whether the service is used or not.

3.4 PAYMENT FOR SERVICE RENDERED

A. Billing

1. Service is provided and billed on a monthly basis.
2. Bills shall be typed or machine printed and shall contain a listing of all charges and the period of time covered by the billing. The local service charges may be shown as a single item even though they include extensions and other items for which a flat monthly charge is made. The Company shall provide the Customer with a breakdown of local service charges upon request. Statements itemizing message toll charges, if applicable, shall be included in bills to Customers.

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SECTION 9 (1)

SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.4 PAYMENT FOR SERVICE RENDERED (Cont'd)

A. Billing (Cont'd)

3. The name of the Company shall appear prominently on all bills for services.
4. Payment is due within thirty (30) days after Customer's receipt of its bill.
5. The Customer is responsible for payment of all charges for service furnished to the Customer, or the Customer's agents, End Users or Customers. All charges due by the Customer are payable to the Company or to the Company's authorized billing agent. Any objections to billed charges must be reported promptly to the Company.
6. The Company reserves the right to assess a charge of \$10.00 whenever a check or draft presented for payment of service is not accepted by the institution upon which it is written. The foregoing shall not limit the Company's right to discontinue service for returned checks.
7. The Company may impose a late payment charge of 1.5% on any bill not paid within thirty (30) days of receipt by the Customer. Any payment received shall first be applied to the bill for service rendered. Additional penalty charges shall not be assessed on unpaid penalty charges.
 - a. Late payment charges do not apply to final accounts.
 - b. Late payment charges do not apply to government agencies of the Commonwealth of Kentucky.
8. When billing functions on behalf of the Company are performed by local exchange telephone companies, or others, the payment conditions and regulations of such companies apply, including any applicable interest and/ or late payment charge conditions.

B. Contested Charges

1. All bills are presumed accurate, and will be binding on the Customer unless objection is received by the Company within thirty (30) days after such bills are rendered. In the case of a billing dispute between the Customer and the Company for service furnished to the Customer or an end user, which cannot be settled with mutual satisfaction, the Customer can take the following course of action within thirty (30) days of the billing date:

First, the Customer may request, and the Company will provide, an in-depth review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnect.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.4 PAYMENT FOR SERVICE RENDERED (Cont'd)

B. Contested Charges (Cont'd)

3. Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of the Company, the Customer may file an appropriate complaint with the Commission. The address and telephone number of the Commission is:

Public Service Commission of Kentucky
Consumer Services
P.O. Box 615
Frankfort, Kentucky 40602
(800) 772-4636

3.5 DEPOSITS

The Company does not require deposits from Customers

3.6 TAXES

All federal excise taxes and Commonwealth and local sales taxes, are billed as separate items and are not included in the quoted rates.

3.7 MINIMUM LEVEL OF SERVICE

The Company will ensure dial tone within three seconds on ninety-eight (98) percent of calls.

3.8 INSPECTION, TESTING AND ADJUSTMENT

- A. The Company may, upon reasonable notice, make such tests and inspections as may be necessary to determine whether the terms and conditions of this Tariff are being complied with in the installation, operation or maintenance of the Customer's or the Company's facilities or equipment. The Company may interrupt service at any time, without penalty or liability, due to the departure from or reasonable suspicion of the departure from any of these terms and conditions.

The Customer shall be responsible for making arrangements or obtaining permission for safe and reasonable access for Company employees or agents of the Company to enter the premises of the Customer or any joint user or Customer of the Customer at any reasonable hour for the purpose of inspecting, repairing, testing or removing any part of the Company's facilities.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.8 INSPECTION, TESTING AND ADJUSTMENT (Cont'd)

- C. Upon reasonable notice, the facilities or equipment provided by the Company shall be made available to the Company for such tests and adjustments as may be necessary for their maintenance in a condition satisfactory to the Company. No interruption allowance shall be granted for the time during which such tests and adjustments are made, unless such interruption exceeds twenty-four hours in length and is requested by the Customer.
- D. In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to Customers. The Company shall attempt to notify each affected Customer in advance of the interruption. Emergency service shall be available as required, for the duration of the interruption.

3.9 SUSPENSION OR TERMINATION OF SERVICE

- A. Without incurring liability, the Company may discontinue services to a Customer or may withhold the provision of ordered or contracted services, subject to the procedures set forth in 3.9 C below:
1. For noncompliance with the Company's tariffed rules or Commission regulations *after the Company has made a reasonable effort to obtain Customer compliance and after the Customer has been given at least ten (10) days' advance written termination notice.*
 2. For dangerous conditions (no advance notice necessary).
 3. For refusal of access after the Customer has been given at least ten (10) days' written termination notice.
 4. For outstanding indebtedness.
 5. For noncompliance with state, local or other codes after the Customer has been given at least ten (10) days' written termination notice unless ordered to terminate immediately by a governmental official.
 6. For nonpayment of bills.
 7. For illegal use or theft of service.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.9 SUSPENSION OR TERMINATION OF SERVICE (Cont'd)

B. The following shall not constitute sufficient cause for refusing, denying or discontinuing service to a present or prospective Customer:

1. Delinquency in payment for service by a previous occupant at the premises to be serviced.
2. Failure to pay directory advertising charges.
3. Failure to pay for business service at one location and at a different telephone number shall not constitute sufficient cause for refusal of service at another location.

C. Procedures for discontinuance of existing service:

1. The Company may discontinue service without notice:
 - a. For dangerous conditions; or
 - b. For illegal use or theft of service.
2. In all other circumstances, the Company will provide the Customer with written notice via first class U.S. mail stating the reason for the discontinuance, and will allow the Customer not less than fifteen (15) days to remove the cause for discontinuance. In cases of non-payment of charges due, the Customer will be allowed at least five (5) days written notice via first class U.S. mail that disconnection will take place within five days, excluding Sundays and holidays, and the Customer will be given the opportunity to make full payment of all undisputed charges, and in no event will service be discontinued on the day preceding any day on which the Company is not prepared to accept payment of the amount due and to reconnect service.

D. Voluntary Suspension

1. Communications service shall, at the request of a Customer, be temporarily suspended. The suspension period shall not be less than one (1) month, nor more than six (6) months in duration, and no more than one suspension shall be granted during any twelve (12) month period.
2. Customers requesting voluntary suspension will be billed during the period of suspension at a rate twenty (20) percent of the average monthly bill based on the previous six months of charges.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.9 SUSPENSION OR TERMINATION OF SERVICE (Cont'd)

- E. Without incurring liability, the Company may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with Tariff regulations and the proper installation and operation of Customer and Company equipment and facilities and may continue such interruption until any items of non-compliance or improper equipment operation so identified are rectified.
- F. Service may be discontinued by the Company, without notice to the Customer, by blocking traffic to certain countries, cites, or NXX exchanges, or by blocking calls using certain Customer authorization codes, when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assist in a new authorization code to replace the one that has been deactivated.
- G. Any change in the Company's ability (a) to secure and retain suitable facilities and rights for the construction and maintenance of the necessary circuits and equipment or (b) to secure and retain suitable space for its plant and facilities in the building where service is provided to the Customer may require termination of a Customer's service until such time as new arrangements can be made. No charges will be assessed the Customer while service is terminated, and no connection charges will apply when the service is restored.

3.10 OBLIGATIONS OF THE CUSTOMER

A. General

1. The Customer is responsible for payment of the charges set forth in this Tariff.
2. The Customer is responsible for compliance with the applicable regulations set forth in this Tariff.
3. The Customer shall indemnify and hold the Company harmless from any liability disclaimed by the Company as specified in Section 3.12 below, arising in connection with the provision of service by the Company.

B. Damages

The Customer shall reimburse the Company for damages to Company facilities utilized to provide services under this Tariff caused by the negligence or willful act of the Customer, or resulting from improper use of the Company's facilities, or due to malfunction of any facilities or equipment provided by other than the Company, except that no Customer shall be liable for another Customer's actions.

PUBLIC SERVICE COMMISSION
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IN PURSUANCE TO 507 KAR 5011,
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BY: Michael D. Heil
SECRETARY OF THE COMMISSION

ISSUED January 13, 2000

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.10 OBLIGATIONS OF THE CUSTOMER (Cont'd)

C. Ownership of Facilities

Facilities utilized by the Company to provide service under the provisions of this Tariff shall remain the property of the Company. Such facilities shall be returned to the Company by the Customer, whenever requested, within a reasonable period following the request in as good condition as reasonable wear permits.

D. Equipment Space and Power

The Customer shall furnish to the Company, at no charge, equipment space and electrical power required by the Company to provide services under this Tariff at the points of termination of such services. The selection of AC or DC power shall be mutually agreed to by the Customer and the Company.

E. Access to Customer Premises

The Customer is responsible for arranging access to its premises at times mutually agreeable to the Company and the Customer when required for the Company to install, repair, maintain, program, inspect or remove equipment with the provision of the Company's services.

F. Design of Customer Services

The Customer shall be responsible for its own expense for the overall design of its services and for any redesigning or rearrangements of its services which may be required because of changes in facilities, operations or procedures of the Company, minimum protection criteria or operating or maintenance characteristics of the facilities.

G. Proper Interface

The Customer shall ensure that the equipment and/or system is properly interfaced with Company facilities or services, that the signals emitted into the Company's network are of the proper mode, bandwidth, power and signal level for the intended use of the Customer and in compliance with the criteria set forth in this Tariff and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to Company equipment, personnel, or the quality of service to other Customers, the Company may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may, upon five (5) days written notice, via first class U.S. mail terminate the Customer's service.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.11 RESPONSE TO TROUBLE REPORTS

- A. The Company shall provide for the receipt of Customer trouble reports at all hours and make a full and prompt investigation of all complaints. The Company shall maintain an accurate record of trouble reports made by its Customers. This record shall include appropriate identification of the Customer or service affected, the time, date, and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance of other disposition. This record shall be available to the Commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.
- B. Provision shall be made by the Company to clear troubles of an emergency nature at all hours, consistent with the needs of Customers and the personal safety of Company personnel.
- C. Provision shall be made by the Company to normally clear all other out-of-service trouble not requiring unusual repair, such as transmitter failure, within 24 hours (Sundays excepted) of the report received by the Company unless the Customer agrees to another arrangement.
- D. All Company commitments to Customers shall be kept, unless Customers are timely notified of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected Customers.

3.12 LIABILITY OF THE COMPANY

- A. Due to the unavoidability of error incident to the services and to the use of the facilities furnished by the Company and/or connecting carriers, the services and facilities furnished by the Company and/or connecting carriers are subject to the terms, conditions and limitations set forth herein.
- B. When service is interrupted for a period of at least 24 hours after notice by the Customer to the Company, an allowance equal to 1/28 of fixed billing cycle charges for service and facilities furnished by the Company rendered useless or substantially impaired shall apply to each 24 hours during which the interruption continues after notice by the Customer to the Company. Credit in any billing period shall not exceed the total non-usage charges for that period for the services and facilities furnished by the Company rendered useless or substantially impaired. No allowance shall apply to any non-recurring or usage charges.

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SECTION 3 - RULES AND REGULATIONS, (Cont'd)

3.12 LIABILITY OF THE COMPANY (Cont'd)

- C. The liability of the Company for any loss or damages whatsoever arising out of mistakes, omissions, delays, errors, defects or failures in the service, or in any non-regulated equipment or facilities, shall not exceed an amount equivalent to the proportionate charge to the Customer for the period during which the mistake, omission, delay, or failure existed, or the Tariff charge for the call involved. Under no circumstances shall the Company be liable for any consequential, special, indirect incidental or exemplary damages.
- D. The Company shall not be liable for any act or omission or any connecting carrier, underlying carrier, or local exchange company; for acts or omission of any other providers of connections, facilities, or connection provided by the Customer.
- E. The Company shall not be liable for defacement of, or damage to, the premises of a Customer resulting from the attachment of instruments, apparatus and associated wiring furnished by the Company on such Customer's premises or by the installation or removal thereof, when such defacement or damage is not the result of the Company's gross negligence. No agents or employees of the other participating carriers shall be deemed to be agents or employees of the Company.
- F. The Company shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order or regulation or other action of any governing authority or agency thereof.
- G. The Company shall not be liable for any unlawful or unauthorized use of the Company's facilities and service, unless such use results solely from the gross negligence or willful misconduct of the Company.
- H. The Customer is responsible for taking all necessary legal steps for interconnecting Customer-provided terminal equipment with the Company's facilities. The Customer shall secure all licenses, permits, rights-of-way, and other arrangements necessary for such interconnection.

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BY Stephan O. Bell
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SECTION 4- DESCRIPTION OF SERVICE

4.1 EXCHANGE ACCESS SERVICE

A. Exchange Access Service provides a Customer with a telephonic connection to, and a unique telephone number address on, the public switched telecommunications network. Each Exchange Access Service enables users to:

1. receive calls from other stations on the public switched telecommunications network;
2. access other services offered by the Company as set forth in this Tariff and in Tariff No. 2;
3. access certain interstate and international calling services provided by the Company, pursuant to Tariff No. 2;
4. access (at no additional charge) the Company's operators and business office for service related assistance;
5. access (at no additional charge) emergency services by dialing 0 or 9-1-1; and
6. access services provided by other common carriers which purchase the Company's Switched Access services as provided under the Company's Federal and Commonwealth Tariffs, or which maintain other types of traffic exchange arrangements with the Company.

B. The following Exchange Access Services are offered at rates as set forth in Section 5.5:

Basic Line Service
Basic Trunk Service
DID Trunk Service

C. Basic Line Service

Basic Line Service provides a Customer with a single, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Basic Lines are provided for connection of Customer-provided single station sets or facsimile machines to the public switched telecommunications network. Each Basic Line may be configured into a hunt group with other Company-provided Basic Lines. Basic Line rates may be charged either on a flat or measured basis.

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by Sharon O. Sullivan
PUBLIC UTILITY OF THE COMMONWEALTH

SECTION 4- DESCRIPTION OF SERVICE (Cont'd)

4.1 EXCHANGE ACCESS SERVICE (Cont'd)

D. Basic Trunk Service

1. Basic Trunk Service provides a Customer with a single, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Basic Trunks are provided for connection of Customer-provided private branch exchange (PBX) to the public switched telecommunications network. Each Basic Trunk is provided with touch tone signaling and may be configured into a hunt group with other Company-provided Basic Trunks.
2. Basic Trunks may be equipped with Analog Direct Inward Dial (DID) capability and DID number blocks for additional charges.

E. DID Trunk Service

DID Trunk Service provides a Customer with a single, voice-grade telephonic communications channel which can be used to receive incoming calls one call at a time. DID Trunk Service transmits the dialed digits for all incoming calls allowing the customer's PBX to route incoming calls directly to individual stations corresponding to each individual DID number. Charges for DID number blocks apply in addition to the DID Trunk charges.

4.2 DIRECTORY SERVICES

A. Directory Listing

For each Customer of Company-provided Exchange Access Service(s), the Company shall arrange for the listing of the Customer's main billing telephone number¹ in the directory(ies) published by the dominant Local Exchange Carrier in the area at no additional charge. At a Customer's option, the Company will arrange for additional listings for an additional charge as set forth in Section 5.8 A of this Tariff.

B. Directory Assistance (DA)

1. A call to Directory Assistance may be considered completed whether or not the number(s) requested are available from DA records.
2. Customers and Users of the Company's calling services (excluding Toll Free Services offered pursuant to Tariff No.2), may obtain assistance in determining telephone numbers within Kentucky by calling the Directory Assistance operator.

¹ For Customers with multiple premises served by the Company, the Company will arrange for a listing of the main billing telephone number at each premise.

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SECTION 9 (1)

BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

SECTION 4 - DESCRIPTION OF SERVICE (Cont'd)

4.3 OPERATOR SERVICES

- A. Operator Handled Calling Services are provided to Customers and Users of Company-provided Exchange Access Services.
- B. Local exchange calls may be placed on an Operator Assisted basis. Usage charges for Operator Assisted calls are the same as those set forth in Section 5.6. For Operator Assisted calls, Busy Line Verification and Interrupt, or Call Completion Service, the charges specified in Section 5.8, will apply in addition to any applicable usage charges.
- C. Operator Assistance

The End User places the call without dialing the destination number, although the capability to do it himself exists. The end user will dial "0" for local calls and then request the operator to dial the called station.

D. Busy Line Verify and Line Interrupt Service

- 1. Upon request of a calling party the Company will verify a busy condition on a called line.
- 2. The operator will determine if the line is clear or in use and report to the calling party.
- 3. The operator will interrupt the call on the called line only if the calling party indicates an emergency or requests interruption.
- 4. A charge will apply when
 - a. The operator verifies that the line is busy with a call in progress;
 - b. The operator verifies that the line is available for incoming calls;
 - c. The operator verifies that the called number is busy with a call in progress and the customer requests interruption. The operator will then interrupt the call, advising the called party of the name of the calling party. One charge will apply for both verification and interruption.
- 5. No charge will apply:
 - a. When the calling party advises that the call is to or from an official public emergency agency;
 - b. Under conditions other than those specified in 4.3D.4 preceding.

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SECTION 4 - DESCRIPTION OF SERVICE (Cont'd)

4.3 OPERATOR SERVICES (Cont'd)

D. Busy Line Verify and Line Interrupt Service (Cont'd)

6. Busy Verification and Interrupt Service is furnished where and to the extent that facilities permit.
7. The Customer shall indemnify and hold the Company harmless against all claims that may arise from either party to the interrupted call or any person.

E. Universal Emergency Telephone Number Service

Universal Emergency Telephone Number Service (911 Service) is an arrangement of Company central office and trunking facilities whereby any telephone user who dials the number 911 will reach the emergency report center for the telephone from which the number is dialed or will be routed to an operator if all lines to an emergency report center are busy. If no emergency report center Customer exists for a central office entity, a telephone user who dials the number 911 will be routed to an operator. The telephone user who dials the 911 number will not be charged for the call.

4.4 PRIVATE LINE

BroadStream offers a point-to-point millimeter wave facility that utilizes the 39 GHz radio frequency bandwidth to provide dedicated intrastate communications links.

A. DS-1 and Below

DS-1 service is a digital transmission facility of up to 1.544 Mbps with a capacity of up to 24 analog or digital channels. This service supports voice, analog data, digital data and video.

B. DS-3

DS-3 service is a digital transmission facility of 44.736 Mbps with a capacity of 28 DS-1 channels or 672 voice, analog data or digital data channels.

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SECTION 4 - DESCRIPTION OF SERVICE (Cont'd)

4.5 SPECIAL ARRANGEMENTS

A. Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide request from a Customer or prospective Customer to develop a competitive bid for a service offered under this Tariff. Rates quoted in response to such competitive requests may be different than those specified for such services in this Tariff. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis. The Commission will be notified of all ICB arrangements.

B. Temporary Promotional Programs

The Company may from time to time offer promotional services, after giving the Commission thirty (30) day's advance notice and obtaining Commission approval, wherein it may waive or reduce non-recurring and/or recurring charges. The purpose of temporary promotional programs is to introduce present or potential Customers to a service not previously received by the Customers.

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SECTION 5 - RATES

5.1 APPLICABILITY

The regulations set forth in this section govern the application of rates for services contained in other sections of this Tariff.

5.2 CHARGES BASED ON DURATION OF USE

Where charges for a service are specified based on the duration of use, such as the duration of a telephone call, the following rules apply:

- A. Calls are measured in durational increments identified for each service. All calls which are fractions of a measurement increment are rounded-up to the next whole unit.
- B. Timing on completed calls begins when the call is answered by the called party. Answering is determined by hardware answer supervision in all cases where this signaling is provided by the terminating local carrier and any intermediate carrier(s).
- C. Timing terminates on all calls when the calling party hangs up or the Company's network receives an off-hook signal from the terminating carrier.
- D. Calls originating in one time period and terminating in another will be billed in proportion to the rates in effect during different segments of the call.
- E. All times refer to local time.

5.3 TIME PERIODS DEFINED

- A. Unless otherwise indicated in this Tariff, the following time periods apply.

DAY -	Monday-Friday	8:00 AM - 4:59 PM
EVENING -	Sunday-Friday	5:00 PM - 10:59 PM
NIGHT -	Sunday-Saturday	11:00 PM - 7:59 AM
	Saturday	8:00 AM - 10:59 PM
	Sunday	8:00 AM - 4:59 PM

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- B. All times refer to local time.

5.4 APPLICABLE TAXES AND SURCHARGES

In addition to the rates and charges applicable according to the rules and regulations of this Tariff, the Customer is responsible for other local, state and federal taxes, charges or surcharges (however designated) imposed on sale or use of the network.

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SECTION 5 - RATES (Cont'd)

5.5 USAGE RATES

The rates set forth herein are applicable to the Company's metered usage service offering for calls originating and terminating within the State. The total charge for each completed operator assisted call consists of two charge elements (except as otherwise provided herein): a fixed operator service charge, which will be dependent on the type of billing selected by the user (i.e., telephone calling card, commercial credit card, collect to the called party, third party billing) and/or the completion restriction selected by the user (i.e., station-to-station or person-to-person); and a measured usage charge dependent on the duration, distance and time of day of the call. The usage charge element is specified as a rate per minute which applies to each minute of call duration, with a minimum charge for each call of one minute, and with each fractional minute of use thereafter counted as one full minute.

5.6 EXCHANGE ACCESS SERVICE

A.	Basic Line Service (Flat Rate) Per Line	<u>Non-Recurring</u> \$70.00	<u>Monthly Recurring</u> \$30.00
C.	Basic Trunk Service (Flat Rate) Per Line	<u>Non-Recurring</u> \$70.00	<u>Monthly Recurring</u> \$30.00
E.	DID Trunk Service (Flat Rate) Termination Per Trunk Block of 20 Numbers	<u>Non-Recurring</u> \$50.00 \$450.00	<u>Monthly Recurring</u> \$26.00 \$3.40

5.7 DIRECTORY SERVICE

A.	Directory Listings Each Add'l Listing	<u>Non-Recurring</u> \$0.00	<u>Monthly Recurring</u> \$1.75
B.	Directory Assistance Per Call Charged	<u>Non-Recurring</u> \$0.30	<u>Monthly Recurring</u> \$0.00

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SECTION 5 - RATES (Cont'd)

5.8 OPERATOR SERVICE

A. Operator Assistance

<u>Non-Recurring</u>	<u>Monthly Recurring</u>
\$0.80	\$0.00

B. Busy Line Verification and Intercept

<u>Non-Recurring</u>	<u>Monthly Recurring</u>
\$0.50	\$0.00

C. Intercept Call Completion Service

<u>Non-Recurring</u>	<u>Monthly Recurring</u>
\$0.50	\$0.00

5.9 PRIVATE LINE

A. DS-1 and Below Rates

<u>(Per circuit)</u>	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
Installation:	\$300.00	\$0.00
Zero Mile Circuit:	\$0.00	\$120.00
Additional Miles (fixed)	\$0.00	\$60.00
Per Mile	\$0.00	\$15.00

B. DS-3 Rates

<u>(Per circuit)</u>	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
Installation:	\$4000.00	\$0.00
Zero Mile Circuit:	\$0.00	\$350.00
Additional Miles (fixed):	\$0.00	\$1750.00
Per Mile	\$0.00	\$325.00

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